

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.204

CRM-M-24913-2022

Date of Decision: 29.09.2022

Pargat Singh @ Bhagi

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankit Grewal, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the petitioner is seeking grant of regular bail in case FIR No.48 dated 12.07.2021, registered under Sections 22 and 25 of NDPS Act (Section 29 of NDPS Act added later on) at PS Sadar Budhlada, District Mansa.

Learned counsel for the petitioner argues that the petitioner was not named in the said FIR but was roped in on the basis of disclosure statement of co-accused Ram Singh, from whom the contraband was recovered and thereafter, the petitioner was arrested and on the alleged disclosure statement of the petitioner, 100 tablets of Tramadol Hydrochloride-100 mg. were recovered.

Learned counsel for the petitioner submits that no independent witness was associated while the recovery of the contraband was effected on the alleged disclosure statement of the petitioner and the said recovery is false and has been put upon the petitioner so as to implicate him in the present case.

Learned counsel further submits that even otherwise, 100 tablets do not fall under commercial quantity and therefore, keeping in view the fact that the petitioner is behind bars for the last 14 months and there is no other case against the petitioner under the NDPS Act hence, the petitioner be extended the concession of regular bail especially when the trial is yet to commence as out of total 21 witnesses to be examined, none has been examined.

Learned State counsel conceded the factum that the petitioner was not named in the FIR and was roped in on the basis of disclosure statement of the co-accused Ram Singh and as per the disclosure statement of the petitioner, 100 intoxicant tablets were recovered though the quantity of the contraband recovered is not commercial in nature. Learned State counsel also concedes the fact that none of the total 21 witnesses cited has been examined so far and the trial is yet to commence and the petitioner is behind bars for the last 14 months.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case where the petitioner was not named in the FIR but has been roped in on the basis of disclosure statement of co-accused Ram Singh coupled with the fact that the recovery of the contraband on the alleged disclosure statement of the petitioner is not commercial in nature and the recovery is also being disputed by the petitioner keeping in view the fact that no independent witness was associated while effecting the said recovery as well as the fact that there is no other case against the petitioner under NDPS Act, the petitioner has

made out a case for the grant of regular bail in the facts and circumstances of the present case especially when the trial is yet to begin as none of the total 21 cited witnesses has been examined so far and the trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars especially when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(HARSIMRAN SINGH SETHI)
JUDGE

29.09.2022
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No